



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
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November 14, 2019

Via ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
United State Courthouse
40 Foley Square, Courtroom 518
New York, New York 10007

Re: *United States v. Sayfullo Habibullaevic Saipov*, S1 17 Cr. 722 (VSB)

Dear Judge Broderick:

The Government writes in response to the Court's Order, dated November 13, 2019 (the "November 13 Order"). (Dkt. No. 223). In the November 13 Order, the Court directed the parties to advise the Court as to what specific information they intended to discuss with the Office of the Jury Clerk (the "Jury Clerk") in connection with the defendant's motion for records and papers used in connection with the constitution of the Master and Qualified Jury Wheels in the United States District Court for the Southern District of New York (the "Defendant's Motion," which is attached hereto as Exhibit A). (Dkt. No. 218). In this letter, the Government describes the specific information from the Jury Clerk that the Government believes is necessary to address certain of the requests in the Defendant's Motion, which are described in more detail below.

On November 8, 2019, the Government wrote to the Court and set forth the Government's position with respect to the Defendant's Motion, including the Government's belief that the parties should confer with each other and the Jury Clerk as to "the feasibility of providing such information, the format for provision of such information, and the anticipated timeline for gathering and provision of this information." (Dkt. No. 221, at 2). To address the Defendant's Motion and the jury selection issues that it might raise, the Government believes that the parties will need to obtain the following information from the Jury Clerk:

1. The number of potential jurors that the Jury Clerk can call per day to complete jury questionnaires, whether that number can be increased if necessary, and how far in advance of trial the Jury Clerk can send summons to potential jurors.
2. The feasibility of providing the information sought in Requests 1-8 on Attachments 1 and 2 to the Defendant's Motion, including in what form that information is maintained and can be provided to the defense. In particular, the Government believes that the Jury Clerk will need to identify which Master Wheel the potential trial jurors will be selected from, or to indicate when that information will become available.
3. With respect to Requests 11 & 12 on both Attachments 1 and 2 (which call for Master Wheel data), whether that information is available in an electronic form, as requested by the defense, and when that information will be available to provide to defense.

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4. With respect to Requests 13 in both Attachments 1 and 2 (which call for status codes for potential grand and trial jurors respectively), whether information that is responsive to those Requests is available in electronic form, and how quickly that information can be provided to the defense.
5. With respect to Requests 17 in both Attachments 1 and 2 (which call for disposition information for potential grand and trial jurors respectively), what information is recorded about each returned juror summons, whether that information is stored electronically, whether it is feasible to redact personal identifying information from the disposition information, when this information about potential jurors will be available, and how many potential juror summons the Jury Clerk anticipates sending.
6. Finally, the Government believes that it would be beneficial to allow the Jury Clerk to raise any logistical or feasibility issues or concerns the Jury Clerk may have with the Defendant's Motion, so that the parties can seek to address those concerns.

Accordingly, the Government respectfully requests that the Court authorize the Jury Clerk to address these specific issues with the parties, and to provide any information to the parties that the Jury Clerk reasonably believes is necessary to confer about these issues.

Respectfully submitted,

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